



Item: 4.1 - Action Item: The Planning Commission will take action on the proposed amendments to the Foothill Recreation Zone F-20; Foothill Residential Zone F-1-43; Foothill Residential Zone F-1-21; Rural Residential Zone RR-1-43; Rural Residential Zone RR-1-21; Residential Single Family Zone R-1-15; Residential Single Family Zone R-1-10; Residential Single Family Zone R-1-8; Residential Single Family Zone R-1-6 zoning amendment. Modifying setbacks for accessory structures and re-evaluating adopted list of permitted and conditional uses.

As instructed by the planning commission, staff is presenting this item for public hearing and action in the same meeting. The planning commission has reviewed this item numerous times and has held a public hearing twice. I will refer to the staff report for item 3.1, the public hearing for this application, for further information.

Staff is recommending approval of the City initiated amendment to the residential zones' permitted and conditional use tables and the changes to the setbacks regulations for accessory buildings.



Item: 4.2 - Action Item: The Planning Commission will take action on the proposed amendments to Chapter 19.76, Supplementary and Qualifying.

Since the public hearing, I have made the corrections that were requested by the planning commission. The one change of substance is to the private swimming pools section. Based on the comments, I have left in the portion of the code that requires a building permit for a swimming pool, but removed anything related to fencing and barriers to the pools.

I look forward to discussing this item again with you. As you are aware, two public hearing were held on this item and it is on the agenda for action on 9/17//2008. Staff is recommending approval of the proposed changes to chapter 19.76 as it will assist in better regulating certain permitted and conditional uses in the City.

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Chapter 19.76 SUPPLEMENTARY AND QUALIFYING RULES AND REGULATIONS

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19.76.010 Effect of chapter provisions.

The rules and regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this title.

19.76.020 Lots and lot area.

A. Lots in separate ownership.

The requirements of this title as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land, provided that such lot or parcel of land is located in a zone which permits single-family dwellings, and is a legally divided lot held in separate ownership at the time such requirements became effective for such lot or parcel of land.

B. Separately owned lots—Reduced yards.

On any lot under a separate ownership from adjacent lots and of record at the time of passage of the ordinance codified herein, and such lot having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width; provided that, on interior lots, the smaller of the two yards shall be in no case less than five feet, or the larger less than eight feet; and for corner lots, the wide yard on the side street shall be in no case less than 15 feet or the other side yard be less than five feet.

C. Division of a two-family dwelling.

Upon certification by the director, a legal, or legal non-conforming, -existing or proposed two-family dwelling may be divided into attached single-family dwellings by dividing the lot. Each dwelling shall have a minimum lot area equal to one-half of the minimum lot area required in the zone for a two-family dwelling, which in no case shall be less than 4,000 square feet, and must meet all building, fire, health, parking and other requirements for a single-family dwelling. An application for lot division certification must be accompanied by a site plan showing buildings, landscaping, parking, and any other information deemed necessary by the director. The director may attach conditions to certification consistent with the purpose of the zoning ordinance. Any sale (prior to certification herein) dividing a lot occupied by a two-family dwelling shall be a misdemeanor.

D. Sale of lots below minimum width and area.

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a large parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the board of adjustment.

E. Sale of space needed to meet requirements.

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building.

F. Yard space for one building only.

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot

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whereon a building is to be erected or established. This section shall be so construed to mean only one main building may be permitted on one lot, unless otherwise provided in this title.

G. Front yard measurement from map.

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the office of the city recorder, the depth of such front yard shall be measured from the mapped street line provided by the official map.

19.76.030 Structures, bulk and massing requirements.

A. Dwellings, including guest homes, to be on lots.

1. Every dwelling shall be located and maintained on a lot, as defined in this title. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy one a lot.

2. Guest houses shall be a permitted use in the following zones:

- a. R-1-8; -10; and, -15
- b. RR-1-21; -29; and, -43
- c. F-1-21; and -43
- d. F-20

3. The guest house shall be a detached accessory use to a principal residence and shall be located in the rear yard of the principal lot.

4. The maximum allowed area of the guest house shall 25 percent of the area of the principal residence (exclusive of garages) shall not exceed 25% of the area of the rear yard.

5. The floor area of the guest house and principal residence combined shall not exceed the maximum impervious surface coverage for the site.

6. The rental or lease of a guest house, or the use of a guest house as a permanent residence for a second family on the premises shall be prohibited.

7. Installation of separate utility meters for the guest house is prohibited.

8. All bulk and massing requirements for accessory buildings, as per the applicable zone, shall be applicable to the guest house.

B. Accessory buildings—Area of coverage.

No accessory building or group of accessory buildings in any residential zone shall cover more than 25% of the rear yard.

C. Single family or two family dwelling Standards.

~~Any detached single family or two family dwelling located on an individual lot outside of a mobile home park or mobile home subdivision must meet the off street parking requirements in chapter 19.80, "Off Street Parking Requirements," and the following standards in addition to any others required by law except as provided in subsection I of this section:~~

~~A. The dwelling unit must meet the city's building code or, if it is a manufactured home, it must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, and must have been issued an insignia and approved by the U.S. Department of Housing and Urban Development, and must not have been altered in violation of codes. A used manufactured home must be inspected by the city's building official or his designated representative prior to placement on a lot to insure it has not been altered in violation of such codes.~~

~~B. The dwelling must be taxed as real property. If the dwelling is a manufactured home, an affidavit must be filed with the Utah State Tax Commission pursuant to Utah Code Ann. § 59-2-602, as amended.~~

~~C. The dwelling must be permanently connected to and approved for all required utilities.~~

~~D. The dwelling must provide a minimum of 72 square feet (per dwelling unit) of enclosed~~

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storage, with a minimum height of six feet, located in the basement or garage area or in an accessory storage structure. Such structure shall conform to all applicable building codes.

~~— E. The dwelling must be attached to a site-built permanent foundation which meets the city's building code or, if the dwelling is a manufactured home, the installation must meet the ICBO Guidelines for Manufactured Housing Installations, including any successors to these standards, and the space beneath the structure must be enclosed at the perimeter of the dwelling in accordance with such ICBO Guidelines, and constructed of materials that are weather-resistant and aesthetically consistent with concrete or masonry-type foundation materials. At each exit door there must be a landing that is a minimum of 36 inches by 36 inches and that is constructed to meet the requirements of the city's building code. All manufactured home running gear, tongues, axles and wheels must be removed at the time of installation.~~

~~— F. At least 60% of the roof of the dwelling must be pitched at a minimum of two and one-half to 12 (2.5:12) and shall have a roof surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles or slate or built-up gravel materials.~~

~~— G. The dwelling shall have exterior siding material consisting of wood, masonry, concrete, stucco, masonite, or metal or vinyl lap, or any material meeting the city's building code or materials of like appearance approved by the director. The roof overhang must not be less than six inches, including rain gutters which may account for up to four inches of overhang, measured from the vertical side of the dwelling. The roof overhang requirement shall not apply to areas above porches, alcoves and other appendages which together do not exceed 25% of the length of the dwelling. The roof overhang may be reduced to two inches on the side of the dwelling facing the rear yard except on corner lots.~~

~~— H. The width of the dwelling shall be at least 20 feet at the narrowest part of its first story for a length of at least 20 feet exclusive of any garage area. The width shall be considered the lesser of the two primary dimensions. Factory-built or manufactured homes shall be multiple transportable sections at least ten feet wide unless transportable in three or more sections, in which case only one section need be ten feet.~~

~~— I. The director may approve deviations from one or more of the developmental or architectural standards provided in subsections E through H of this section on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the director may be appealed to the board of adjustment.~~

~~— J. Replacement of an existing nonconforming manufactured home on a lot outside a mobile home park or mobile home subdivision shall comply with all requirements herein.~~

DC. Public use—reduced lot area and yards.

The requirements of this title as to minimum lot area and minimum yards-yard requirements of this title may be reduced by the planning commission for a public use. The planning commission shall not authorize a reduction in the lot area or yard requirements if rule 19.76.030(HH) Additional Height is in use, or unless the evidence presented is such as to establish that the reduction will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

ED. Structure height — Vertical measurement.

A. Structure height shall be measured by taking the average vertical distance measured at the four corners of the main structure. This measurement shall be taken from the original natural grade of the lot to the highest point of the roof structure. In cases where the four corners of the structure are not explicitly clear, the city's building official and the director shall designate the four corners of the structure.

B. Structures may be stepped to accommodate the slope of the terrain provided that each step

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shall be at least 12 feet in horizontal dimension. The height of each stepped segment shall be measured as required in subsection (A).

C. Original ground surface shall be the elevation of the ground surface in its natural state before any manmade alterations such as, without limitation, grading, excavation or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the elevation of the original grade shall be determined by the director using the best information available.

E. Lot grade – measurement.

The percent grade of a lot shall be derived by determining the percent increase or decrease in elevation using the area of the proposed structure footprint and the front yard.

F. Height limitations—Buildings less than one story.

No building shall be erected to a height less than one story above grade.

G. Height limitations—Accessory buildings.

~~—No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall contain more than one story or exceed 20 feet in height, subject to more restrictive regulations in this title.~~

HG. Height limitations—Exceptions.

In the ORD, CR, MU, NC, RO and PF zones, Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building may be erected above the height limits prescribed in this title when approved by the planning commission, but no space above the height limit shall be allowed for the purpose of providing additional floor space.

IH. Additional height allowed when.

Public or semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding 40 feet if the building is set back from each otherwise established building line at least one foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected.

I. Story, first

The lowest story in a building that qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story. Where a floor in a building is more than four feet below grade for more than 50 percent of the total perimeter, or more than eight feet below grade at any point, that floor will not qualify as a story for the purposes of measuring maximum structure height.

JH. Yard requirements

“Yard” means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as follows:

- A. Fences;
- B. ~~Canopies allowed under subsection 19.80.120(B),~~ not to include temporary or permanent carports.
- C. Accessory buildings in a rear yard including temporary or permanent carports;
- D. The ordinary projections of windows where the projection is at least 18 inches above floor level, roofs, cornices, chimneys, flues, and other ornamental features which project into a yard not

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more than three (3) feet;

E. Open or lattice-enclosed exterior stairways, located in a commercial or manufacturing zone, projecting into a yard not more than five feet; and

F. Structures less than 18 inches in height from the finished ground surface.

JK. Demolition permits.

A. An approved site plan is required before a commercial building can be approved for demolition.

B. The following items must be submitted to obtain a demolition permit:

~~a.~~ 1. An asbestos inspection from an approved asbestos inspector.

~~b.~~ 2. A completed and approved "Pre-demolition Building Inspection Form" from Salt Lake Valley Health Department.

~~c.~~ 3. Approval for demolition from the Utah Division of Air Quality.

4. A letter or email, from all service providers to the property or structure, indicating that all utilities have been terminated.

5. A completed ~~cottonwood heights~~ city building permit application.

KL. Portable storage containers.

A. In all municipal, residential, commercial, office or mixed-use zone, portable storage containers are permitted only in accordance with the following:

1. As a temporary use, not to exceed 180 days, during the construction, remodeling or redevelopment of a permanent on site structure with a valid building permit.

2. In no case shall a lot contain more than one of such portable storage containers, nor shall any portable storage container be located in required landscape areas, front yard area, required open space, detention basins, drive aisles, fire lanes, required parking spaces, loading zones or any other location that may cause a threat to public safety, or create a condition detrimental to surrounding land uses and property owners.

3. For commercial, office and mixed-use zones a temporary site plan must be submitted for review by the department. Approval of more than one portable storage containers may be approved by staff if the DRC finds that the addition will not jeopardize the public health, safety or welfare or create a nuisance. In addition, the temporary use of portable storage containers shall not violate a conditional use approval.

M. Construction mitigation plan for residential construction.

A. Prior to commencement of construction, a written construction mitigation plan addressing the following elements must be approved by the director or his designee. The construction mitigation plan shall address the following elements: (Please note: all elements may not apply to each individual project. There may also be additional elements, unique to the project that involve public health and safety issues.)

1. Hours of Operation. The hours of operation are 7:30AM to 6:00 PM, Monday thru Saturday, and 9:00AM to 6:00 PM on Sunday. Upon a clear and convincing showing by the applicant that a waiver to the hours of operation is necessary and will not jeopardize the public health, safety or welfare, the director may modify hours of operation through the building permit.

a. For the purposes of the hours of operation, indoor construction which is not deemed to be a nuisance beyond the hours of operation listed in 19.76.030M(1) shall be exempt from 19.76.030M(1)

2. Parking. Construction vehicle parking shall be restricted at construction sites so as to not block reasonable public and safety vehicle access along the street and sidewalks. Within paid and permit only areas, an approved parking plan must be obtained from the Public Works Department.

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3. Deliveries. Deliveries of construction all materials and supplies may be regulated as to time (hours of operation) and routing.

4. Stockpiling & Staging. In order to reduce the number of delivery trips to construction sites, the stockpiling of materials on site may be required.

5. Construction Phasing. Due to narrow streets, topography, small lot configuration, traffic circulation, weather, construction parking and material staging problems, some projects may be required to be phased. In cases where phasing is deemed necessary, the first project to receive a building permit shall have priority, however, the Building Official shall have authority to phase projects as necessary to assure efficient, timely and safe construction.

6. Trash Management and Recycling of Materials. Construction sites shall provide adequate storage and a program for trash removal. Construction material recycling bins are encouraged on sites with adequate room for separation of materials.

7. Control of Dust & Mud. A program for the control dust or other airborne debris shall be required. Provisions must be made to prevent the tracking of mud on streets and it will be required to remove any such mud daily. Placing gravel in the egress and ingress areas to a job site is one method to control mud and dust problems.

8. Noise. Any noise above 65 decibels violates the noise ordinance, as well as any excessive or unusually loud noise that is plainly audible beyond the property line or outside the hours of operation.

9. Grading and Excavation. Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations. Destination and total cubic yards of dirt shall be addressed. Excavation 6 feet (1.8 m) or more in depth shall be protected from falling hazards by guardrail roofs, systems, fences, or barricades.

10. Temporary Lighting. An approved temporary lighting plan must be obtained from the Planning Department if any exterior temporary lighting is necessary for construction.

11. Construction Sign. A sign shall be posted in a location where the sign is readable from the street or driveway. The sign shall not exceed 12 square feet in size and 6 feet in height. The lettering shall not exceed 4 inches in height. Information on the sign shall include:

- a. Name, address and phone number of the contractor
- b. Name, address and phone number of the person responsible for the project
- c. Name and phone number of the party to call in case of an emergency

N. Private Swimming Pools

A. Definition.

1. In this title "private swimming pool" means any pool, tank, depression or excavation in or above ground, or other structure which shall cause retaining of water over a depth than eighteen (18) inches and/or having a larger plane surface of water greater than one hundred fifty (150) square feet and which shall be designed or used for swimming, wading or immersion purposes by individuals, used or intended to be used solely by the owner, lessee or tenant thereof and his family and by friends invited to use it without payment of any fees.

B. Permit.

1. It shall be unlawful for any person to construct, alter or repair a private swimming pool within the city without first having secured a permit from the building official. An application for this permit shall be made on such forms as may be furnished by the city, and shall be accompanied by complete plans and specifications for the pool, including the type and location thereof with respect to the boundary lines of the land of the applicant. The applicant shall pay the fees established for such permit.

1. The building official may revoke any permit for failure to comply with this article.

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2. Before a permit is revoked, the private swimming pool owner shall have notice in writing listing and describing the instances of failure to comply with this article. The permit shall be reissued upon proper application and upon presentation that the deficiencies causing revocation have been corrected.

A. Compliance.

1. It is unlawful for any person to own or maintain a private swimming pool that does not comply with this article.

B. Setback requirements; location generally; drainage generally.

1. Private swimming pools for which a permit is required under this article shall not be located within three (3) feet of any side or rear lot line nor within six (6) feet of any principal structure or frost footing. Pools shall not be located closer than ten (10) feet to any portion of a private sewage system. Pools shall not be located within any required front yard or established easements. Private swimming pools shall be drained to the street storm sewer by permission of the Cottonwood Improvement District only. Private swimming pools shall not be drained to the city's storm drain.

C. Fences.

1. All private swimming pools, including above ground pools, shall be completely surrounded by a fence or wall not less than six (6) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in vertical or horizontal direction, except for doors and gates. The fence shall be of a type not readily climbed by children. A dwelling or accessory building may be used as part of such enclosure.

2. All gates or doors opening through such enclosure shall be equipped with a self closing and self latching device for keeping the gate or door securely closed at all times when not in actual use and shall be provided with hardware for permanent locking devices, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Pool gates shall be locked when the pool is not in use.

3. When it is necessary to fill the pool prior to the installation of the required fencing, a temporary fence (such as a construction fence) may be installed in a substantial manner, with the approval of the building official. The maximum time allowed for a temporary fence shall be thirty (30) days.

4. Fences must comply with fence ordinances Chapter 19.76.050.(E.);

D. Outdoor pool enclosures.

1. Outdoor pool enclosures, permanent or inflated pool enclosures shall be constructed in accordance with the ~~IBC~~. Enclosures shall be of a neutral color and designed to blend with the existing surroundings. The enclosure shall not exceed in height, the principal structure on the property nor shall the enclosure be taller than the existing accessory building height limitations in the applicable zone.

E. Above ground pools.

1. In this code, above ground pools and below grade pools shall be considered the same with regard to all requirements of this article.

F. Pool covers.

1. Pool covers, whether they can be locked or not, do not alone meet public safety requirements if the cover is of the type that can collect and hold natural water. The chief building official of the city shall have the authority to determine whether a pool cover can meet the safety requirements allowing a waiver of fencing requirements.

G. Shielding lights.

1. Lights used to illuminate any private swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises.

H. Life saving and emergency equipment.

1. All private swimming pools shall have:

(a) Life saving equipment consisting of at least:

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~~i. One (1) ring buoy not more than fifteen (15) inches in diameter to which is attached a rope three sixteenths inch in diameter and of a length at least equal to the greatest dimension of the swimming pool.~~

~~ii. One (1) life pole, or shepherd's crook type of pole, at least ten (10) feet long and having blunted ends, shall be provided.~~

~~(b) Emergency flood lighting that is electrically connected to a different circuit than used by the pool.~~

~~2. The emergency equipment shall be used for emergency purposes only.~~

~~I. Polluted water.~~

~~1. No body of water, whether it be a natural or an artificial body of water in the city, which contains sewage, waste, or other contaminating or polluting ingredients rendering the water hazardous to health shall be used for swimming or bathing by any person or persons.~~

~~(b) Water shall not be allowed to remain in any unused or abandoned pool.~~

~~J. Chemical storage.~~

~~1. The storage of chemicals shall meet the requirements of the *Uniform Fire Code*.~~

~~K. Unnecessary noise.~~

~~1. It shall be unlawful for any person to make, continue or cause to be made or continue at any private swimming pool any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of a swimming pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the person or persons who are in the swimming pool premises shall be unlawful.~~

O. Temporary buildings.

A. Temporary buildings for uses incidental to construction work shall be require to obtain a permit from the CBO.

B. Temporary buildings must be removed upon completion or abandonment of the construction work.

C. If such buildings are not removed within 90 days upon completion of construction and 30 days after notice, the buildings will be removed by the city at the expense of the owner

19.76.040 Land use

A. Occupancy permit.

A1. Land, buildings and premises in any zone shall hereafter be used only for the purpose listed in this title as permitted or conditional in that zone, and in accordance with the regulations established in this title in that zone.

B2. The permit of occupancy shall be issued by the director to the effect that the use and/or building or premises conforms to the provisions of this title and related ordinances prior to the occupancy of any building hereafter erected, enlarged or structurally altered, or where any vacant land is hereafter proposed to be occupied or used, except for permitted agricultural uses.

C3. Such a permit shall also be issued whenever the character or use of any building or land is proposed to be changed from one use to another use.

D4. Upon written request from the owner, such a permit shall also be issued covering any lawful use of a building or premises existing on the effective date of the amendment codified herein, including nonconforming buildings and uses.

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B. Uses not listed—Compatibility standards.

It is recognized that new types of land uses may develop and various forms of land uses not anticipated may seek to locate in the city. The provisions of this section shall provide a mechanism to classify land uses not listed in this title. Determination as to the classification of uses not specifically listed in this title shall be made as follows:

A. ~~Written request.~~ A written request for such a determination concerning an unlisted and ~~not~~ ~~un~~codified proposed land use shall be filed with the director. The request shall include a detailed description of the proposed use and such other information as the director may require.

B. Investigation. The director thereupon shall make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this title, and to make a determination of its classification, using the following compatibility standards:

1. Volume and type of sales, ~~retail~~ retail, wholesale; size and type of items sold and nature of inventory on the premises;

2. Any processing done on the premises; assembly, manufacturing, smelting, warehousing shipping and distribution; and dangerous, hazardous, toxic or explosive materials used in processing;

3. The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored. business vehicles, work in process, inventory and merchandise, construction materials, scrap and junk, and bulk materials, ores, powders and liquids;

4. Number and density of employees and customers, per unit area of site and buildings in relation to business hours and employment shifts;

5. Business hours the use is in operation or open for business, ranging from seven days a week, 24 hours a day to once to several times a year, such as sports stadiums or fairgrounds;

6. Transportation requirements, including modal split for people and freight, by volume, type and characteristics of traffic generation to and from the site, trip purposes, and whether trip purposes can be shared with other uses on the site;

7. Parking characteristics, turn over and generation, ration of the number of spaces required per unit area or activity, and potential for shared parking with other uses.

8. Predilection of attracting or repelling criminal activities to, from or other premises;

9. Amount and nature of nuisances generated on the premises noise, smoke, odor, glare, vibration radiation, and fumes; and

10. Any special public utility requirements for serving the use water supply, waste water output, pre-treatment of wastes and emissions recommended or required, and any significant power structures and communication towers or facilities.

C. Director's Recommendation. The director's recommendation concerning the proposed use shall be rendered in writing to the planning commission within 30 days unless an extension is granted by the planning commission. The director's recommendation shall state the zone classification in which the proposed use should be permitted as well as the findings which established that such use is of the same character and intensity of uses permitted in that zone classification.

D. Planning Commission Determination; Appeal. Upon receipt of the director's recommendation, the planning commission shall review such recommendation and either approve it as submitted, approve it with modifications, or reject it. The planning commission's decision may be appealed to the city council within 30 days after the date of such decision.

E. Effect of Determination. A use approved for a zoning district based on the foregoing compatibility standards shall thereafter become a permitted or conditional use (as designated by the planning commission) for that zoning district, and shall have the same status as a permitted or conditional use, as applicable, specifically named in the regulations for the zone classification in question.

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C. Special events and temporary sales.

A. The director may issue a temporary use permit for a temporary sale, special events, or other amusement enterprise of a similar nature, transient in nature, or Christmas tree sales, providing he shall find that the use will not conflict with the uses in the neighborhood and/or zoning of the subject property. ~~To determine the compatibility of uses, the director may call a public hearing.~~ Request for such permit shall be submitted in writing. Special event permits shall be limited to one per property at any one location for any one time.

B. In issuing a permit, the director may:

1. Stipulate the length of time the permit may remain valid;
2. Stipulate the hours of operation of the use; and
3. Stipulate other regulations which are necessary for the public welfare.

D. Home day care preschool, small.

"Home day care/preschool, small" means the keeping for care and/or preschool instruction of six or ~~less fewer~~ children including the caregiver's own children under the age of six and under and not yet in full day school within an occupied dwelling and yard. A home day care/preschool, small is exempt from the home occupation requirements of this code, but must meet all of the following standards:

A. There may be a maximum of six children on premises at any time, including the caregiver's own children under the age of six and not yet in full day school.

B. There shall be no employees that do not reside in the dwelling.

C. The home day care/preschool, small caregiver shall comply with all applicable licensing requirements under title 5 of this code.

D. The use shall comply with all applicable noise regulations.

E. The play yard shall not be located in the front yard and only shall be used between 8:00 a.m. and 7:00 p.m.

F. The lot shall contain one available on-site parking space not required for use of the dwelling. The location of the parking shall be approved by the director to insure that the parking is functional and does not change the residential character of the lot.

G. No signs shall be allowed on the dwelling or lot except a nameplate sign.

H. The use shall comply with all local, state and federal laws and regulations.

I. Upon complaint that any of the requirements of this section or any other city ordinance are being violated by a home day care/preschool, or small caregiver, the city shall review the complaint and, if substantiated, may institute a license revocation proceeding under title 5 of this code.

J. All property owners within a 500 foot radius of the caregiver's property shall be mailed notice concerning the licensing of a home day care/preschool, small, at such property; provided, however, that provision of such notice shall not be a condition precedent to the legality of any such license, and no such license shall be deemed invalid or illegal because of any failure to mail any such notice.

E. Home day care/preschool.

"Home day care/preschool" means the keeping for care and/or preschool instruction of 12 or fewer children including the caregiver's own children ~~under the age of six~~ age six or under and not yet in full day school within an occupied dwelling and yard. A home day care/preschool may be approved by the planning commission if it meets all of the following standards:

A. There may be a maximum of 12 children on premises at any time, including the caregiver's own children under the age of six and not yet in full day school.

B. There shall be no more than one employee present at any one time who does not reside in the dwelling.

C. The home day care/preschool caregiver shall comply with all applicable licensing

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requirements under title 5 of this code.

D. The use shall comply with all applicable noise regulations.

E. The play yard shall not be located in the front yard and only shall be used between 8:00 a.m. and 7:00 p.m.

F. The lot shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The location of the parking shall be approved by the director to insure that the parking is functional and does not change the residential character of the lot.

G. No signs shall be allowed on the dwelling or lot except a nameplate sign.

H. The use shall comply with all local, state and federal laws and regulations.

I. Upon complaint that any of the requirements of this section or any other city ordinance are being violated by a home day care/preschool caregiver, the city shall review the complaint and, if substantiated, may (1) set a hearing before the planning commission to revoke any conditional use permit, and/or (2) institute a license revocation proceeding under title 5 of this code.

J. All property owners within a 500 foot radius of the caregiver's property shall be mailed notice of any hearing to grant or revoke any conditional use permit at least ten days prior to the date of the hearing; provided, however, that provision of such notice shall not be a condition precedent to the legality of any such hearing, and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail any such notice.

F. Home occupations

A. "Home occupation" means, (unless otherwise provided) any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit and one additional person who may, or may not, reside in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there is no display nor stock in trade, "stock in trade" being any item offered for sale which was not produced on the premises.

B. The home occupation shall not include the sale of commodities except those produced on the premises; provided, however, that original or reproductions of works of art designed or created by the artist operating a home occupation may be stored and sold on the premises. "Reproduction of works of art" includes, but is not limited to printed reproduction, casting, and sound recordings.

C. The home occupation shall not involve the use of any accessory building, ~~or~~ yard space or activity outside the main building if the use of accessory buildings or outside activity, for the purpose of carrying on a home occupation, violates the rule of the use being clearly incidental and secondary to the use of the dwelling or dwelling purposes.

D. The director shall determine whether additional parking, in addition to the two spaces required per dwelling unit, is required for a home occupation and shall also determine the number and location of such additional parking spaces.

E. The director will review all home occupations for compliance with the above items. If the proposed home occupation cannot meet any one of the above items, the director shall not approve the home occupation.

~~G. Commercial renting of dwellings prohibited.~~

~~—It shall be deemed a commercial use and unlawful to rent or lease any dwelling or portion thereof located within any forestry, residential, agricultural rural residential or foothill agricultural zones for accommodation purposes or occupancy by different individuals for a period less than 30 consecutive days except as specifically permitted by this title.~~

HG. Residential facility for elderly persons.

A. "Residential facility for elderly persons" means a single-family or multiple-family dwelling

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unit that is occupied 24 hours a day in a family-type arrangement by eight or fewer elderly persons 60 years old or older capable of living independently.

B. Such facility shall be owned by one of the residents or by an immediate family member of one of the residents or the title has been placed in trust for a resident.

C. Placement in such facility is on a voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.

D. No person being treated for alcoholism or drug abuse may be placed in such a facility.

E. The structure shall be capable of use without the residential character being changed by exterior structural or landscaping alterations.

F. Each facility shall not be located within three-quarters of a mile of another residential facility for elderly persons or residential facility for handicapped persons.

G. This use is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

I. Storage of RVs, boats and travel trailers.

~~—All RVs, boats and travel trailers which exceed eight feet in length shall only be stored in a side yard or rear yard, and shall also be subject to other regulations of this code.~~

JH. Car wash regulations

A. Applicability and general purposes. Construction and operation of a car wash is subject to prior conditional use approval by the planning commission. The regulations in this section are intended to allow reasonable opportunities for car washes in the city, while (1) reducing noise and adverse visual impacts on abutting uses, particularly residential uses; (2) ensuring adequate drainage; (3) promoting safer and more efficient on-site vehicular circulation; (4) promoting an aesthetically pleasing environment for car washes; and (5) assuring that car washes are located so that they are not the dominant land use in the city's primary commercial or gateway corridors.

B. Location and site.

1. The lot proposed for a car wash shall be located in a zone that specifically allows a car wash as a conditional use or a permitted use.

2. The lot proposed for a car wash shall contain at least 10,000 square feet.

3. The lot proposed for a car wash shall front on, and have direct access to, an arterial or collector street (as designated by the city).

4. The ingress or egress points of a car wash, or any driveway thereon, shall not be located so to impede the safe operation of any intersection, as determined by the city.

5. No car wash shall be located on a corner lot.

C. Additional requirements.

1. General.

(a) Any trash or service area of a car wash shall be fully screened from other properties and public streets.

(b) To the extent practicable, wash bays shall be sited parallel to the adjacent street in such a way as to use the frontage efficiently and be oriented away from any abutting residentially zoned or used property.

2. Access, circulation and on-site parking.

(a) Access points and driveways shall be planned and shared between properties to the greatest extent possible.

(b) Sidewalks to accommodate pedestrian activity shall be provided. Pedestrian access shall be provided from the perimeter of the property to the car wash. Sidewalks in front of, or directly adjacent to, a car wash shall be at least four (4) feet wide.

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(c) The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflicts between major pedestrian movement and vehicular circulation shall be minimized.

(d) The planning commission shall specify the distance between any two curb cuts used for entrances or exits to a car wash on a case-by-case basis, provided that such distance shall not be less than thirty-five (35) feet.

(e) If accessory vacuuming facilities are provided, a minimum of one parking space shall be provided for each vehicle capable of being serviced at any one time at such vacuum facility. Parking spaces for accessory vacuuming facilities shall not interfere with circulation or entrance or exit drives.

(f) In addition to parking requirements for employees and wash bays set forth in chapter 19.80, each wash bay of a car wash shall have the following vehicle stacking capacity for vehicles waiting to be serviced: (i) three (3) stacking spaces for each bay in a self-service car wash; and (ii) six (6) stacking spaces for each in-bay automatic or conveyor car wash.

3. Building and equipment setbacks.

(a) A car wash shall be set back a minimum of twenty-five (25) feet from the front property line.

(b) Accessory equipment, such as vacuum facilities, shall be set back a minimum of twenty (20) feet from any adjacent street.

(c) Car washes shall meet the side and rear setbacks required by the underlying zone.

4. Architectural design.

(a) A car wash shall maintain a consistent style and architectural theme. Architectural design, building materials, colors, forms, roof style and detailing should all work together to express a harmonious and consistent design.

(b) 360 degree architectural treatment is required. Building design must incorporate variations in building height, building mass, roof forms and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls.

(c) Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design. Bold, brash, intense, fluorescent or metallic accent colors shall be used in limited application such as in signage.

(d) All car wash apparatus shall be enclosed or screened from adjacent streets and properties by means of an effective screening device of a height appropriate to its screening function. Screening may include: solid decorative brick walls, wood fences, earth berms, tight evergreen hedges which shall reach the necessary height within two (2) years of planting, or a suitable combination of the above.

5. Site furniture. Site furniture (such as bicycle racks, trash receptacles, and benches) is required to be incorporated in the design of a car wash, as specified by the city through the conditional use process. The style of the site furniture must complement the overall design of the principal building and be of high quality.

6. All structures within the development shall be designed, constructed and permanently maintained in a planned, integrated, compatible and coordinated manner using the same or substantially identical:

(a) Exterior building materials and colors;

(b) Architectural features and style; and

(c) Lighting and lighting fixtures.

7. Lighting Requirements. In addition to general lighting requirements specified in chapters 19.76 and 19.80 of this code, the following specific lighting requirements shall apply to car washes:

(a) Lighting of car washes shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the business.

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- (b) Full cut-off lighting is required.
- (c) Site lighting photometric plans are required.
- (d) The following lighting is prohibited on car wash sites: (i) exposed strip lighting used to illuminate building facades or outline buildings; (ii) neon tubing; and (iii) blinking or flashing lights.

8. Landscaping requirements. All landscaping shall comply with the landscaping requirements of the underlying zoning and the conditional use approval for the car wash.

D. Operational requirements. The following operational requirements apply to all car washes:

1. Water recycling.

(a) All car washes shall be required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than fifty percent (50%) of the water being used by such car wash.

(b) Any applicant for a car wash shall submit site plan for review to the applicable water and wastewater provider(s) to insure appropriate and safe provision, use and discharge of water, and shall provide the city with evidence of its submittal to and response/approval by the applicable water and wastewater providers.

2. Hours of operation. Car washes shall not be open for business or otherwise in operation during the nighttime and early morning hours of 10:00 p.m. and 7:00 a.m. the following day.

K. Non-depository institutions

Non-depository institutions are permitted as a conditional use within the Regional Commercial (CR) zone, subject to the following restrictions:

A. A non-depository institution shall not be located within one (1) mile of any other non-depository institution inside the city's geographical boundaries. The distance shall be measured from the exterior walls of the building (or portions thereof) in which the non-depository institution is located or proposed to be located, and shall be measured as a straight and direct line distance from said point.

B. In addition to the geographical restriction under subsection 19.76.370(A) above, the total number of non-depository institutions located within the city's geographical boundaries shall not exceed one (1) non-depository institution per ten thousand (10,000) residents of the city. A portion or fraction resulting from such a calculation that does not equal a whole number shall not increase, through "rounding" or otherwise, the total number of non-depository institutions possible under this section. For example, if the city's population was 39,999, then a maximum of three (3) non-depository institutions would be possible in the city, and a fourth (4th) non-depository institution would not be possible until the city's population was 40,000 or more. For purposes of such calculation, the city's population shall be determined by the figures provided by the United States Census Bureau's most recent annual estimate.

C. All non-depository institutions are subject to all applicable architectural, design, aesthetic and other regulations of all applicable zones, overlay zones, and other requirements of this title. In addition, all non-depository institutions are subject to the following supplemental regulations:

1. The color of the building housing the non-depository institution shall be restricted to earth tones or shall match the city-approved design theme of the development of which it is a part.

2. At least twenty-five percent (25%) of the first floor façade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level.

3. The use of bars, chains, or similar security devices that are visible from a public street or sidewalk is prohibited.

4. The use of neon lighting shall be prohibited on the building exterior.

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5. All signage associated with any non-depository institution shall conform to the requirements of chapter 19.82 of this title.

L. Permitted use, approval standards.

19.76.050 Miscellaneous

A. Appeal of planning commission decision.

1. Any person aggrieved adversely affected by a decision of the planning commission regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the board of adjustment, whose decision shall then be final. All appeals by persons adversely affected by a decision of the planning commission must be submitted to the board of adjustment must be in writing and filed with the department within 30 days after the date of the decision appealed from. The decision of the board of adjustment may be appealed by any person adversely affected by the decision to the District Court, provided that such appeal is filed with the District Court, with a copy to the director, within 30 days after the decision of the board of adjustment.

2. For more information regarding planning commission decisions, please see chapter 19.84 of this title.

~~— Any person shall have the right to appeal a decision of the planning commission. Appeals shall be made to the board of adjustment unless a right of appeal to the city council is specifically granted in this title.~~

B. Intersecting streets and clear visibility.

In all zones, no obstruction to view in excess of three feet in height shall be placed on any corner lot within a triangular area formed by public or private street property lines and a line connecting them at points 30 feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers.

C. Off-site improvements.

A. Off-site Improvements Required. The applicant for a building or conditional use permit for all dwellings, commercial or industrial uses, and all other business and public and quasi-public uses shall provide curb, gutter, ~~and sidewalk~~ and asphalt along the entire property line which abuts any public road or street in cases where it does not exist at city standards. Vehicular entrances to the property shall be provided as allowed in the this code. Height, location, structural specifications, maximum and minimum cut radii and minimum roadway approach angles to the centerline of the street are subject to the approval of the agency concerned.

B. Fee in Lieu of Improvements.

1. Where conditions exist which make it unfeasible or impractical to install such curb, gutter and sidewalk, the planning commission may require the applicant to pay to the city a fee equal to the estimated cost of such improvements, as determined by the director. Upon payment of such fee by the developer, the city shall assume the responsibility for future installation of such improvements.

2. The fees shall be placed in a special account, and shall credit to such account a proportioned share of interest earned from investment of city monies. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties, and money transfer requests shall be the responsibility of the department.

~~— C. Exceptions.~~

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~~—1. The planning commission may grant exception to installation of the sidewalk in industrial areas where the planning commission determines that the sidewalk is not necessary to serve the public need, and the elimination of the sidewalk does not jeopardize the public health, safety or welfare.~~

~~—2. The planning commission may grant exception to installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare are preserved.~~

D. Water and sewage facilities.

In all cases where a proposed building or proposed use will involve the use of sewage facilities, and a sewer, as defined in the health department regulations, is not available within _____ feet of property where the building or use is proposed, and all cases where a proposed supply of piped water under pressure is not available within _____ feet of property where the building or use is proposed, the alternative sewage disposal and the domestic water supply shall comply with requirements of the health department, and the application for a building permit shall be accompanied by a certificate of approval from the health department.

E. Fences.

D. No fence, wall or hedge shall be erected to a height which exceeds four feet in the required front yard and six feet in the side yards and/or rear yard. Fencing to a maximum height of eight feet may be allowed for side and/or rear yards as a conditional use upon a clear and convincing showing by the property owner:

1. of unique or special circumstances of a material, adverse nature relating to the property that will be substantially minimized or eliminated by the increased height of the requested fence, and

2. that erection of such a fence is the most reasonable solution under the circumstances. Any such conditional use permit may be granted by the director or his designee following an administrative hearing preceded by all required notifications. A building permit shall be required for all fences approved as a conditional use.

E. Chain link fences. Except in private home applications, chain link fences, which are not vinyl coated, shall not be allowed.

E. Animal and fowl restrictions.

~~—No animals or fowl shall be kept or maintained closer than 40 feet from any dwelling on an adjacent parcel of land, and no barn, stable, coop, pen or corral shall be kept closer than 40 feet from any street.~~

F. Regulations regarding junk.

A. "Junk" means any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires and waste, or other articles or materials commonly designated as junk. Junk, except as provided in subsections (B) or (C), shall also mean any dismantled, wrecked or inoperable motor vehicles or parts thereof which are stored or parked on property outside of an enclosed building and which remain in such condition for a period of time in excess of 60 days. An automobile, truck or bus shall be considered inoperable if it is not currently registered and licensed in this state or another state.

B. One truck with a capacity of one ton or less or automobile which is not currently licensed and registered in this state or another state but is otherwise operable may be stored on property for a period not to exceed one year if it is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; or

C. One truck with a capacity of one ton or less or automobile which is inoperable may be stored in a side yard, except a side yard which faces on a street or a rear yard on property for a period not to exceed one year provided:

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1. The automobile or truck is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal;

2. The automobile or truck shall not be visible from any public street; and

3. The automobile or truck is entirely concealed by a covering which is maintained in good condition and which does not extend closer to the ground than the lowest point of the vehicle body.

D. All existing legal nonconforming motor vehicles as of the effective date of the ordinance codified in this section, or any amendment hereto, shall comply with the provisions of this section within one year from the date of the enactment of this section or any amendment thereto.

G. Fences:

~~—No fence, wall or hedge shall be erected to a height which exceeds four feet in the front yard and six feet in the side yards and/or rear yard. Fencing to a maximum height of eight feet may be allowed for side and/or rear yards as a conditional use upon a clear and convincing showing by the property owner (a) of unique or special circumstances of a material, adverse nature relating to the property that will be substantially minimized or eliminated by the increased height of the requested fence, and (b) that erection of such a fence is the most reasonable solution under the circumstances. Any such conditional use permit may be granted by the director or his designee following an administrative hearing preceded by all required notifications. A building permit shall be required for all fences approved as a conditional use.~~

19.76.320 — Short term rentals

A. ~~“Short term rental” means any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than 30 consecutive days.~~

B. ~~A short term rental shall not contain more than four bedrooms.~~

C. ~~A short term rental shall be maintained to the following minimum standards:~~

1. ~~Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood; and~~

2. ~~Required parking areas and access to parking areas shall be maintained and available for use at all times. Parking for this use shall be contained on the site, and shall not be allowed on the public rights of way; and~~

3. ~~Snow shall be removed from sidewalks and driveways within one hour after the snow has ceased falling, provided that in case of a storm between the hours of 5:00 p.m. and 6:00 a.m., the sidewalk shall be cleaned before 8:00 a.m. the morning following the storm.~~

D. ~~Occupants of a short term rental shall not create excessive noise that is incompatible with adjacent land users.~~

E. ~~A short term rental use shall not have any signs on the premises that advertise the use.~~

F. ~~The use of a dwelling as a short term rental shall not change the appearance of the dwelling or property for residential purposes.~~

G. ~~Outdoor pools, hot tubs or spas shall not be used between the hours of 10:00 p.m. and 8:00 a.m.~~

H. ~~The operator of a short term rental must be continuously licensed to operate such a business under title 5 of this code.~~

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Item 4.3: Avalon Point Conditional Use PUD

File Name:	Avalon Point PUD
Application Received:	March 14, 2008
Meeting Date:	September 17, 2008
Public Hearing Date:	August 20, 2008
County parcel Number:	2235476002, 2235476001, 2235434031
Location:	8420 S. Wasatch Blvd.
Development Area:	4.78 acres
Request:	Conditional Use Permit for a 17 lot PUD
Owner/Applicant:	Jason Adams
Agent:	Jaime Adams
Staff:	Greg Platt, Planner

Purpose of Staff Report

The conditional use ordinance adopted by the city of Cottonwood Heights (the "City") requires City staff to prepare a written report of findings concerning any conditional use application. This report provides preliminary information regarding the development of the above noted parcels of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the R-1-8 zoning ordinance (chapter 19.26), the conditional use ordinance (chapter 19.84) and the Planned Unit Development ordinance (chapter 19.78).

Pertinent Issues Regarding this Development Application

Applicant's Request

The applicant is requesting a conditional use permit for the development of a 17 lot planned unit development at 8420 S. Wasatch Blvd. The property is currently being used as a residence.

Neighborhood/Public Position on the Request

At the time of this staff report, a few phone calls have been received by staff indicating that residents are concerned about the number of lots being proposed in the PUD. Since the public hearing, a few written public comments have been received by planning staff. A report will be given at the time of the meeting to update the commission of any concerns that may have been received. The public hearing was noticed as City code requires. A written notice was mailed to all property owners within 1000 feet of the applicant's property at least 10 days prior to the public hearing. The notice sent to the surrounding property owners included a map of the properties included in the application.

Staff Observations and Position on the Request

Staff has made the following observations:

Application

The applicant has submitted a complete application and paid the applicable fees.

Site Layout

The subject property is located at approximately 8420 S. Wasatch Blvd. and totals 4.78 acres. The west end of the property borders near Danish Road. A large portion of the property, approximately 2 acres, lies on a slope that is mostly unbuildable. The proposal preserves most of this space, approximately 1.5 acres, as open space for the PUD. A small trail would run through the open space to give access to it and provide a pedestrian link between Danish Rd. and Wasatch Blvd. Building lots within the PUD would be clustered on the west side of the development.

Zoning

The zoning for the subject property is R-1-8 requiring a minimum lot size of 8,000 square feet (Section 19.26). The R-1-8 zone is designed to allow an average of 5.4 units per acre, not including roads and other infrastructure. Under the provisions of the PUD ordinance, the total number of lots an applicant may request when applying for a conditional use PUD is determined by dividing the total acres of developable land by the minimum lot size required for the underlying zoning (Section 19.78.090). The total 4.78 acres could allow no more than 26 units. However, because of the slope of the western part of the lot, some of the land cannot be considered developable. The sensitive lands chapter of the city code directs that slope areas in excess of 30% may not be developed and that no more than 30% of a development's slope in excess of 30% may be included in the area calculation to determine density. The total potential units after considering all of the limiting factors in code are 17. The developer is asking for 17 lots in this PUD conditional use application.

PUD Ordinance Purpose and Goals

The purpose of a PUD as stated in the PUD ordinance is to provide for innovative residential developments having harmony of design and variety of function by providing for greater flexibility in the design of buildings, yards, courts, and circulation than would otherwise be possible through the strict application of zoning district regulations. The purpose of the PUD ordinance and the goals set forth for the development for a PUD in this case may be to allow greater flexibility in minimum lot size if the applicant can show greater integration and the provision of desired amenities on the larger neighborhood.

The PUD Ordinance states "This chapter does not guarantee a property owner the right to create a planned unit development ("PUD"). Instead, approval of a PUD is a privilege to be earned and is not an absolute right available simply through compliance with the minimum standards established in this chapter...It is not intended that the planning commission will grant the maximum exception to underlying zoning regulations in the case of every PUD application; instead, such maximum will be available only in the most meritorious situations" (19.78.020).

The goals of the PUD ordinance and the standards include architectural control, patterns of development, preservation of certain elements and protection from others (Section 19.78.030). The architectural control of a PUD is accomplished through the establishment of acceptable design guidelines for each individual PUD. The architectural guidelines for this PUD have been reviewed by the Architectural Review Commission (ARC) for consistency.

The ARC reviewed this application twice and made a recommendation of approval at the second meeting held. In the meetings, the ARC discussed all of the design aspects of the proposed development and in the end made the recommendations for conditions that follow.

ARC Review and Recommendation

All PUD are required to be presented to the City's Architectural Review Committee (the "ARC") prior to planning commission consideration (19.78.100). The proposed PUD was presented to the ARC for their consideration on July 31, 2008. The project was given a certificate of design compliance and was given a positive recommendation to the planning commission. The ARC required the following conditions as part of their recommendation:

1. 25' setbacks for garages.
2. Houses should be ramblers with gables at a maximum of 27' high, giving each house a feel of being no more than 1.5 stories.
3. The proposed open space amenity should be accepted as currently constituted.
4. Stepping back for buildings (allowing for greater height on the back of homes) should only be allowed on lots 4, 5, and 6.
5. There should be design integrity for all buildings on all sides, consistent with front elevation sketches presented of home fronts.

Net Density

Basis for Calculation - The density calculation for the proposed PUD is established by using the calculations set forth for a minor PUD (Section 19.78.090). A minor PUD is any PUD over three (3) acres of contiguous property and less than five (5) acres. The total number of lots for which an applicant may apply is based on the numeric value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space and private roads/lanes and associated recreational facilities within the area; the result being the number of total residential units per net residential acre of land. Net density calculations in a minor PUD shall exclude private rights-of-way and private streets.

Density of Proposed PUD –

Total Area	208,739 square feet
Area on slope	68,752 square feet
Slope multiplier	30%
Area on slope not allowed for density calculation	48,126 square feet
Area in roadways	21,080 square feet
Total Area	208,739
Area in roadways	- 21,080
Area in slope (not countable)	- 48,126
Developable area (for density calc)	139,533
Minimum Lot Size	8,000 square feet
Developable area ÷ Min lot size	17.44 lots maximum

Number of lots possible in standard subdivision:	11
(On this property)	
Number of lots requested:	17
Increase requested:	6 (55%)

Landscaping / Open Space

The landscape and open space requirement for any PUD is 20% and is defined as the total area of land and water within the external boundary of a PUD designated and intended for the use and enjoyment as open areas, and not improved with a building, structure, street/road or parking area, except for recreational structures (Section 19.78.120). The total open space provided in this application is 106,521 square feet (2.44 acres) or 51% of the total site. Though some of this space is inaccessible because of slope, the proposal includes a trail that would provide access to the open space. Additionally, the front yards of all lots are proposed to be created and maintained as linear parks in accordance with code, only a portion of these front yard linear parks will be counted towards open space. Because only 60% of linear parks can be counted as open space in this type of PUD, and because we only count 30% of the slope areas, the adjusted open space is 44,923 square feet (1.03 acres), or 21.5%, which slightly exceeds the city requirement.

Pedestrian Movement

Pedestrian movement within a PUD is required for all PUDs in the City (Section 19.78.130). The movement should be accomplished through a consistent and well-designed pedestrian sidewalk system including enhanced intersection treatments. The proposed PUD has addressed pedestrian movement by creating a system of sidewalks which run on both sides of all streets, in such a way that a complete circuit can be completed by a pedestrian walking through the subdivision. Additionally, a trail intersects this system of sidewalks which provides pedestrian access to the provided open space, as well as a pedestrian link between Danish Road and Wasatch Blvd. The developer has designated this pedestrian trail as a public trail, and would be accessible to the general public. A pedestrian gate would remain unlocked during the day for general access.

Setbacks

The setbacks for the R-1-8 zone require a 25 foot front setback, a 20 foot rear setback, and 10 foot side yard setbacks. The proposed PUD varies from the underlying zone, pushing the homes closer to all lot lines. The ARC has recommended that all garages, however, maintain a 25 foot setback from the back of sidewalk. The garages should be set back further to ensure no cars will be parked across any sidewalk. The proposed setbacks for this PUD are as follows:

- a. Front of home – 15 from back of sidewalk
- b. Front of garage – 25 feet from back of sidewalk
- c. Side yard – 8 feet
- d. Rear yard – 15 feet

Screening / Fencing

The applicant is proposing to build and maintain a 6 foot masonry wall between the development and Wasatch Blvd. Staff will have examples of the proposed masonry walls, fences and front gate at the meeting on the 20th of August.

Waste Management

Waste management, or refuse collection, will be required to be handled by the developer.

Recommendation

Based upon the staff observations, staff is recommending approval of a request for a conditional use permit for the development of a 17 lot planned unit development (PUD) and the approval of the preliminary plat with the conditions listed within the staff report. Staff feels that the widening, restriping, and addition of acceleration and deceleration lanes to Wasatch Blvd. mitigates the impact of this development, based on the analysis of the City Engineer and the recommendations of UDOT. Additionally, the beautification proposed as well as the public trail which creates a pedestrian link between Danish Rd. and Wasatch Blvd. are meritorious enough to warrant an increase in density for this PUD.

Proposed Conditions for the applicant's request for conditional use:

Planning:

2. That the number of lots be limited to seventeen (17).
3. That all landscaped space counted toward the open space calculation be kept in joint ownership separate from individual lots to ensure perpetuity of open space.
4. Landscaping shall be completed as the plans represent and shall be completed at the time of final occupancy for each lot. In addition, a 100% landscape bond shall be required to ensure the improvements are made as represented.
5. All landscaped trees shall be a minimum of a 2 inch caliper upon planting.
6. The developer shall maintain all open space and landscaping within common areas until the time when the developer turns over control to the HOA.
7. That no structure, private fence, monument, or any other non-approved structure be placed within the open space easement.
8. That no gates be approved for the development.
9. The setbacks for the PUD shall be as follows:
 - a. Front of home – 15 from back of sidewalk
 - b. Front of garage – 25 feet from back of sidewalk
 - c. Side yard – 8 feet
 - d. Rear yard – 15 feet
10. That all improvements to the cross-section of Wasatch Blvd. and public portions of interior private streets be completed before final occupancy is granted for any building (the improvements are specific to sidewalk, curb and gutter improvements and repair, and sidewalk transition points).
11. The developer shall install new lights on Wasatch Blvd. consistent with the Standards and Specifications for new construction and three (3) new lights along the private roadways.
12. Lighting is required to be full cutoff able.
13. The developer shall provide refuse collection for the properties.
14. Staff shall review all building permit applications for new homes to ensure architectural compliance and consistency.
15. That parking will be allowed on only one side of the private street.
16. That the developer follow all recommendations of the ARC (as outlined above).
17. That the conditional use permit be reviewed upon complaint.
18. That all fencing shall be consistent with the architectural and aesthetic standards of the development.
19. That all retaining walls be located within the PUD, on the interior of existing fencing.

20. All public improvements shall be bonded for in accordance with City standards prior to recordation of a final plan.
21. Recordation of a final plat is subject to the Salt Lake Health Dept., Salt Lake City Water and Cottonwood Improvement District providing letters stating they will serve the development with water and sewer services for the approved houses.
22. Final UDOT approval of the ingress/egress on Wasatch Blvd. shall be required prior to recordation of a final plat.

Fire Department:

1. The installation of seven (3) fire hydrants as indicated on review plat. Water systems must be installed and functional prior to arrival of combustible construction elements on site.
2. All building and fire code requirements must be followed.
3. Entrance must have 12 feet of clearance on both sides of island.
4. Knox Box required if area is to be gated.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

Zoning: R-1-8, Chapter 19.26

Conditional Uses: Chapter 19.84

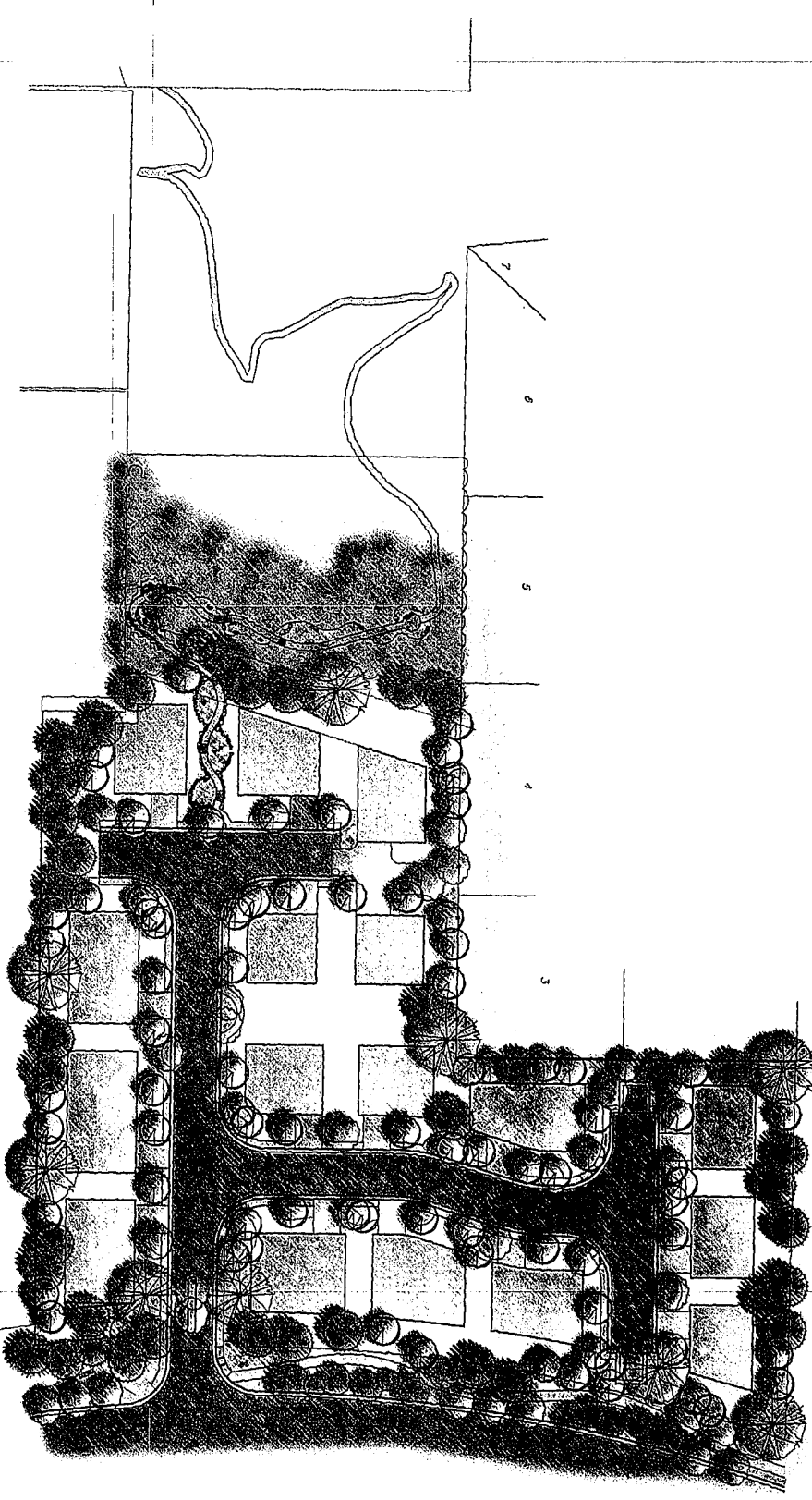
Planned Unit Developments: Chapter 19.78

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List of Attachments:

1. Site Plan
2. Landscape Plans
3. Elevations
4. Notice and Map



Avalon Point PUD

Conceptual Master Plan

Scale: 1" = 30'




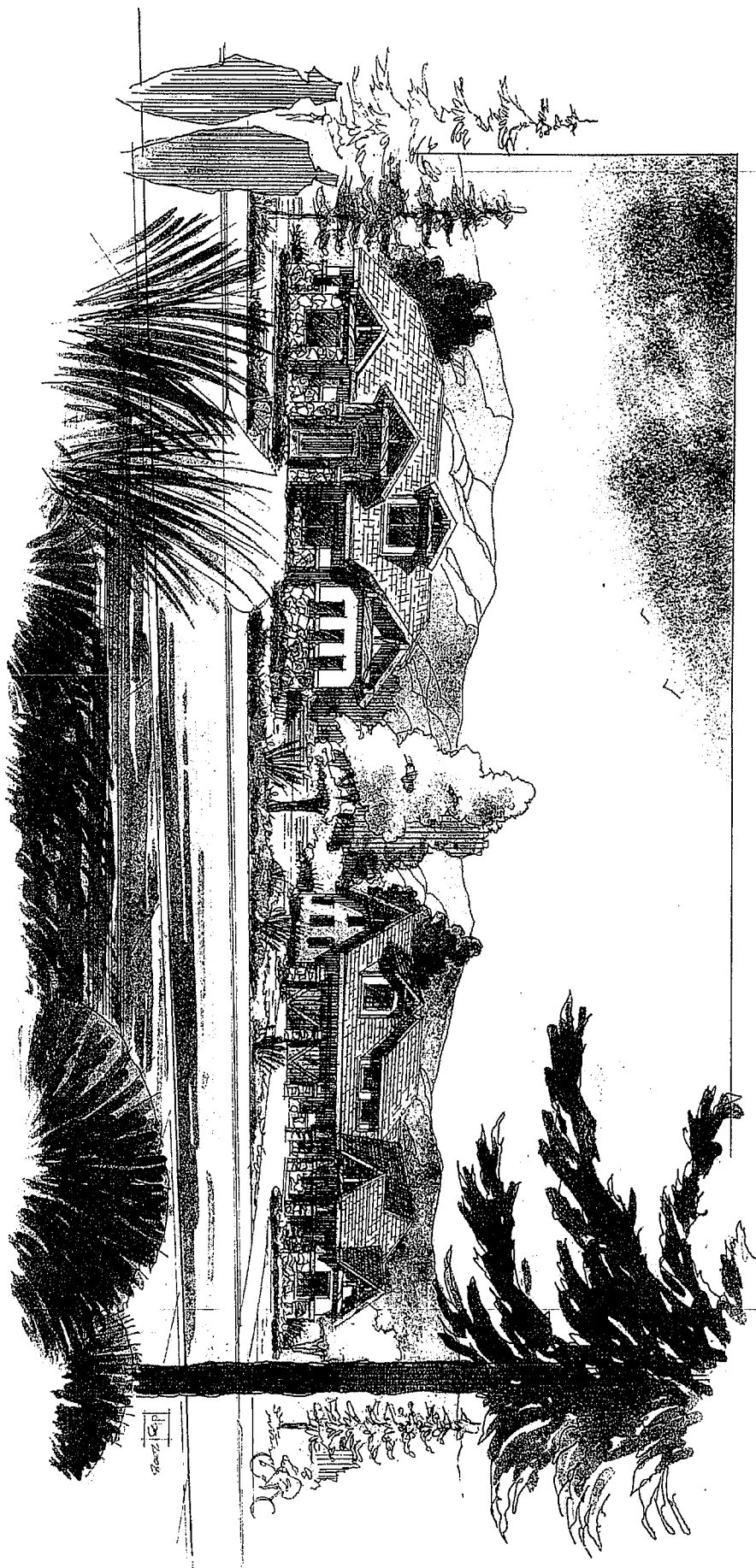
Scale in Feet

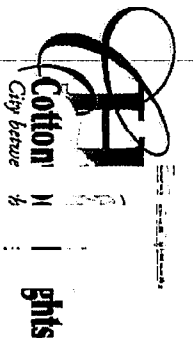
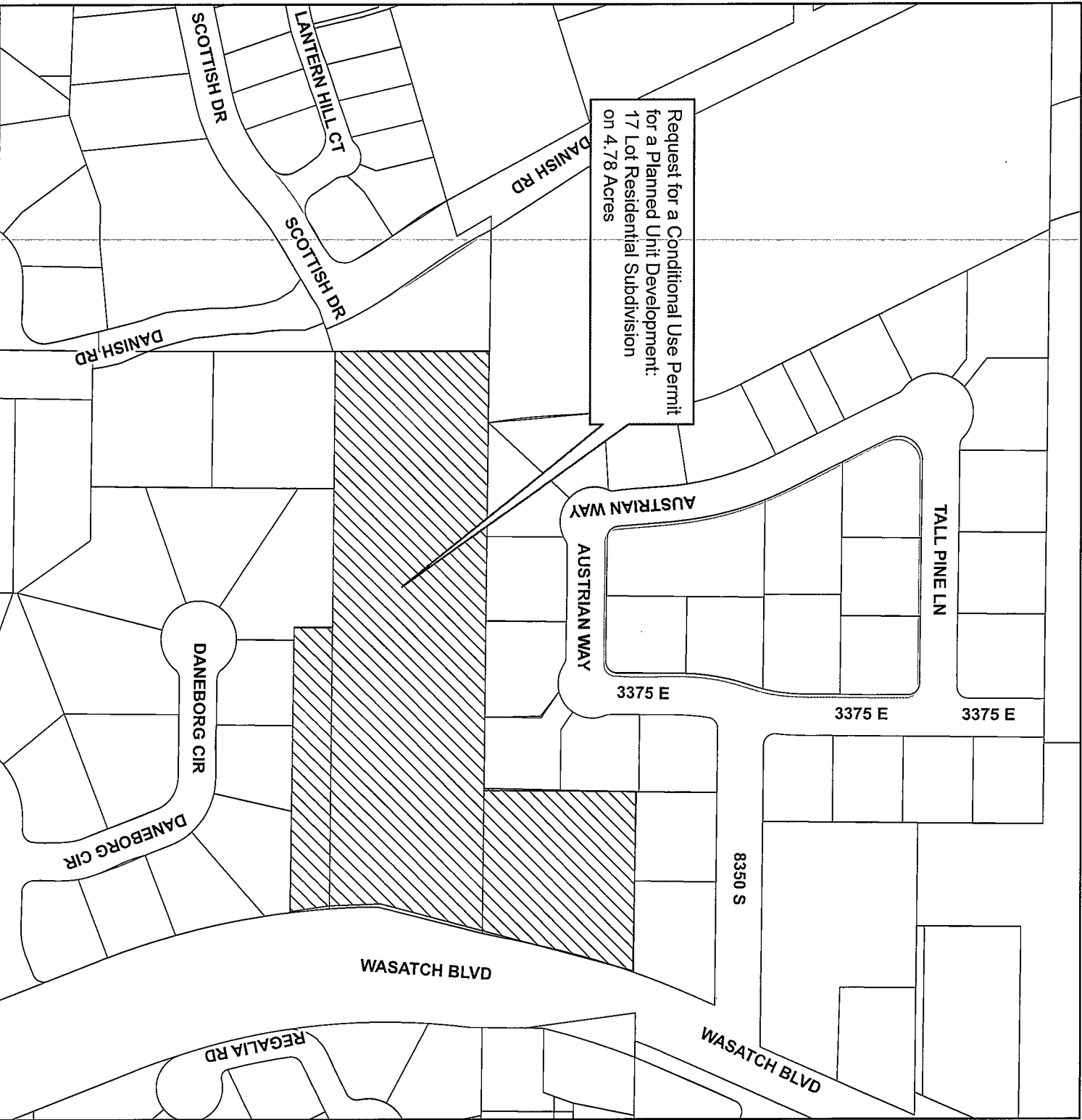


Age Group	No	Small	Medium	Big	Very big
0	45%	35%	10%	5%	5%
10	40%	35%	15%	5%	5%
20	35%	30%	20%	10%	5%
30	30%	25%	25%	15%	5%
40	25%	20%	30%	20%	5%
50	20%	15%	35%	25%	5%
60	15%	10%	40%	30%	5%
70	10%	5%	45%	35%	5%
80	5%	5%	50%	35%	5%
90	5%	5%	55%	30%	5%

SCALE: 1" = 20'







Request for a Conditional Use Permit for a Planned Unit Development: 17 Lot Residential Subdivision on 4.78 Acres

Zoning Legend

	CR		R-1-8
	NC		R-1-6
	ORD		R-1-10
	RO		R-1-15
	PF		R-2-8
	RM		F-1-21
	RR-1-21		F-1-43
	RR-1-29		F-20
	RR-1-43		

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